

### **REMARKS**

This amendment is being filed in response to the Office Action mailed January 21, 2004 having a shortened statutory response period ending on April 21, 2004. This response is filed within the statutory response period. The Commissioner is hereby authorized to charge any additional fees to Deposit Account No. 02-1818.

Applicants respectfully request reconsideration and allowance of the pending claims in the present application in view of the foregoing amendments and remarks below.

#### **1. Status of the Claims**

Claims 1-3, 6-16 and 92-95 are currently pending in the application. Claims 1 and 9 have been amended. Applicants assert that these amendments place the claims in condition for allowance and request early notice of the same. Support for these amendments is found in the application as follows:

claim 1, page 4 line 28 through page 5 line 26; and

claim 9, page 7 line 29 through page 8 line 10.

#### **2. Prior Art Rejections**

Claims 1-3, 6-7, 9-15 and 92-95 were rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,310,497 to Ve Speer et al. (*Ve Speer*) in view of U.S. Patent No. 5,741,452 to Ryan et al. (*Ryan*). Claims 8 and 16 were rejected under 35 U.S.C. § 103(a) as being obvious over *Ve Speer* and *Ryan* in further view of Japanese Patent Application JP-11228957A to Kunihiro et al. (*Kunihito*). Applicants respectfully traverse these rejections as *Ryan*, *Ve Speer* and *Kunihito*, either alone or in combination, fail to teach or suggest the subject matter of the present claims.

No combination of *Ve Speer*, *Ryan* and *Kunihito* teaches or suggests a polymer blend composed of a first syndiotactic polybutadiene and a second syndiotactic polybutadiene having different melting points as recited in claims 1 and 9, for example. Rather, *Ve Speer* discloses a polymer blend composed of a syndiotactic polybutadiene and an atactic polybutadiene. *Ve Speer*, col. 11 line 46 through col. 12 line 3. Moreover, *Ve Speer* is wholly silent regarding the melting point of either polybutadiene. *Ryan* has no disclosure whatsoever directed to a polymeric blend having a first and a second syndiotactic polybutadiene. *Ryan*, col. 4 lines 25-45, for example. *Ryan* merely states that polybutadiene may be a component in a polymeric blend and is wholly silent regarding the spatial configuration of the polybutadiene. Similarly,



*Kunihito* has no disclosure whatsoever regarding a blend composed of a first and a second polybutadiene.

Regarding claims 9 and 92, no combination of *Ve Speer* and *Ryan* teaches or suggests a crosslinked (*i.e.*, a blend having a gel content) polymer blend composed of a first and a second polybutadiene having different melting temperatures. *Ryan* fails to disclose a blend having a first and a second polybutadiene as previously discussed. *Ryan* further fails to disclose a crosslinked polybutadiene. The skilled artisan would readily recognize that polybutadiene is not an inherently crosslinked compound. See JSR RB polybutadiene product specification set forth at Tab 1. Consequently, one of ordinary skill in the art would understand that the *Ryan* disclosure of "other cross-linked elastomers" refers not to the polybutadiene but rather to compounds such as styrene butadiene rubber that are known to be crosslinked. *Ryan*, col. 4 lines 34-44.

#### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully submit that Claims 1-3, 6-16 and 92-95 are in condition for allowance and respectfully request early notice thereof.

Respectfully submitted,  
BELL, BOYD & LLOYD LLC

Date: April 21, 2004

BY 

Robert M. Barrett, Reg. No. 30,142  
P.O. Box 1135  
Chicago, Illinois 60690-1135  
Phone: (312) 807-4204